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PATENT
Attorney Docket N° 98-0865 (P1397US00)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

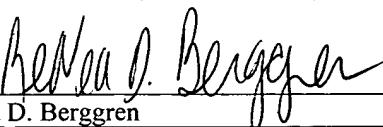
In re Application of : Kim C. Smith
Serial N° : 09/421,580 JUN 26 2003
Filed : October 20, 1999
Group Art Unit : 2174 Technology Center 2100
Examiner : Tran, M.
For : SIMULATED THREE-DIMENSIONAL NAVIGATIONAL MENU SYSTEM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 1.191)**

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on June 17, 2003, in a First Class envelope, with sufficient postage thereon, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



ReNea D. Berggren

DATED: June 17, 2003

Dear Sir:

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed May 6, 2003 finally rejecting claims 1-76.

The items checked below are appropriate:

1. STATUS OF APPLICANT

This application is on behalf of:

other than a small entity;
 small entity.

Verified Statement:

attached already filed on _____

06/24/2003 MGBREM1 00000096 500439 09421580
320.00 DA
01 FC:1401

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. §1.17(e) the fee for filing the Notice of Appeal is:

<input type="checkbox"/>	small entity	\$160.00
<input checked="" type="checkbox"/>	other than a small entity	\$320.00

Notice of Appeal fee: \$320.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)-(d)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$410.00	\$205.00
<input type="checkbox"/> three months	\$930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

Extension Fee: \$0.00

If an additional extension of time is required please consider this a petition therefor.

An extension for ____ months has already been secured and the fee paid therefor of \$____ is deducted from the total fee due for the total months of extension now requested.
Extension fee due with this request: \$_____

or

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is

Notice of Appeal fee \$ 320.00.

Extension fee (if any) \$ 0.00.

TOTAL FEE DUE: \$ 320.00

5. **FEE PAYMENT**

Please charge Deposit Account N° **50-0439** the sum of **\$320.00**. A duplicate of this *Transmittal* is attached for accounting purposes. If any additional extension and/or fee is required, please charge Deposit Account N° 50-0439. If any additional fee for claims is required, please charge Deposit Account N° 50-0439.

Please direct all correspondence to:

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DATE: June 17, 2003.

Respectfully submitted,
Gateway, Inc.,

By Walter J. Malinowski
Walter J. Malinowski
Reg. N° 43,423